

For Immediate Release December 15, 2005

# Senate Majority Leader Sikkema Calls on Governor to Remove Canvassers from Board

Contact: Ari B. Adler

517-373-5886

Senator Cropsey's legislation will end board's ability to block electoral rights

**Lansing** - Senate Majority Leader Ken Sikkema today called upon Gov. Jennifer Granholm to uphold the state Constitution by removing two members of the Board of State Canvassers for violating their oath of office.

The letter was sent because two Granholm appointees refused to follow a court order yesterday and place an item on the 2006 ballot. Under Article V, Section 10 of the Michigan Constitution, the governor has the sole authority to act in these matters.

"Since I became Majority Leader, the Senate has had to reject an appointment only once. It was to the Board of State Canvassers and it was because that person had clearly violated her oath of office," said Sikkema, R-Wyoming. "That board is not a pulpit from which people should espouse their personal or political views. The governor must remove Paul Mitchell and Doyle O'Connor from office immediately so we can start to restore the public's faith in the electoral process."

Sikkema also said he supports legislation being prepared by Sen. Alan Cropsey that takes all the board's authority - except for certification of elections - and gives it to the director of the State Bureau of Elections.

"The two board members flagrantly defied an order from the Court of Appeals and stood in the way of the people of Michigan who are trying to use their constitutionally protected rights to petition government," said Cropsey, R-DeWitt, who is a lawyer and former member of the Board of State Canvassers. "I have no doubt this unconscionable behavior will result in a contempt order from the court. What is in doubt is whether the governor will now fulfill her constitutional duty to protect the people by finally dealing with this issue appropriately."

###

Editor's note: A copy of Sen. Sikkema's letter is attached, as well as a copy of Article V, Section 10 of the Michigan Constitution.



28TH DISTRICT
S-106 CAPITOL
P.O. BOX 30036
LANSING, MI 48909-7536

### Michigan Senate Majority Leader KEN SIKKEMA

State Senator

PHONE: (517) 373-0797 TOLL-FREE: (800) 774-1174 FAX: (517) 373-5236 DISTRICT: (616) 534-3464

December 15, 2005

The Hon. Jennifer Granholm Governor of Michigan The Capitol Lansing, MI 48909

Dear Governor Granholm,

I am sure you are aware of the recent events involving the Board of State Canvassers. Once again, this board has chosen to ignore the law. In fact, in this most recent case, the two Democratic members of the board actually decided not to follow an order issued by the Court of Appeals.

The Michigan Court of Appeals in an order issued on December 7, 2005, instructed that "[t]he Board of State Canvassers shall approve and certify the petitions, forthwith, and the Secretary of State shall take all necessary measures to place the proposal on the November 2006 general election ballot." In a meeting that took place on December 14, 2005, the two Republican members voted to place the measure on the ballot, in compliance with the court order, but one Democratic member voted no and the other one abstained.

I am outraged by this behavior to flagrantly defy a court order and call on you to remove the two Democratic members from the board. These two members not only violated their oath of office by ignoring the court order but also may be facing contempt of court charges. The Michigan Constitution under Article V, section 10 gives you the sole authority to act and I ask you to fulfill your constitutional obligation. The Board of State Canvassers must not be allowed to ignore the law and thwart the will of the people of Michigan.

Senate Majority Leader

Respectfull

able according

organization of n he considers law, they shall the legislature orter duration, n a resolution se, each order

less otherwise l departments When a single l as otherwise the advice and

less elected or l be appointed l of office and l or by law.

ive date of this astitution. The rs shall not be

no more than department.

ng board of a

n used in this disapproval by action is taken at disapproved

#### §7 Vacancies in office; filling, senatorial disapproval of appointees.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

History: Const. 1963, Art. V, §7, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. VI, §10.

## §8 Principal departments, supervision of governor; information from state officers.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

#### Court enforcement of constitutional or legislative mandate.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

History: Const. 1963, Art. V, §8, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. VI, §3

#### §9 Principal departments, location.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

History: Const. 1963, Art. V, §9, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. VI, §1.

#### §10 Removal or suspension of officers; grounds, report.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

History: Const. 1963, Art. V, §10, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. IX, §7.

#### Provisional appointments to fill vacancies due to suspension.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

History: Const. 1963, Art. V, §11, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. IX, §5.

#### §12 Military powers.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

History: Const. 1963, Art. V, §12, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. VI, §4